

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: April 12, 2006

Re: **REZONING: B-1, Limited Business District, to B-3, Community Business District for seven tenths (0.7) of an acre of property at 2901 Old Forest Road.**
CONDITIONAL USE PERMIT (CUP): Animal Hospital of Lynchburg, 3311 Old Forest Road.

I. PETITIONER

Rick Krason, Nosark, LLC., 1705 Memorial Avenue, Lynchburg, VA 24501

Representative: P. Scott Beasley, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of approximately seven tenths (0.7) of an acre located at 2901 Old Forest Road.

Property Owners: Preston W. and Gail S. Morris, 12601 Donegal Drive, Chesterfield, VA 23832

Steve A. and Crystal Morris, 1314 Matthew Talbot Road, Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow construction of an animal medical facility on the subject property.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends an Office use in this area.
- Petition agrees with the Zoning Ordinance in that veterinary hospitals without outdoor kennels are permitted in a B-3, Community Business District, with approval of a CUP from City Council.
- The petition proposes the demolition of an existing residential structure and construction of a new single-story building; the new development will include an approximately six thousand, nine hundred (6,900) square foot office building, an outdoor animal exercise area and associated parking.

The Planning Division recommends approval of the rezoning and the conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends both an Office use and a Medium Density Residential use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories. Medium Density Residential uses are characterized by small-lot single family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre.

The Future Land Use Map [FLUM] is not intended to be parcel specific. The FLUM also indicates Neighborhood Commercial, Community Commercial and Institutional Uses in the

immediate area. Given existing zoning and adjacent land use patterns, the proposed office is suitable for the property.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3, Community Business District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 4/9/1996: City Council approved Robert Brammer's CUP petition to add one bay to an existing service station at 3020 Old Forest Road.
 - 2/13/1996: City Council approved Glenn White's petition to rezone approximately one and seven tenths (1.7) acres from R-3, Medium Density Two-Family Residential District, to R-4c, Medium-High Density Multi-Family Residential District (conditional), to allow the addition of a third apartment unit in six (6) proposed structures at 3112-3132 Link Road.
 - 8/11/1992: City Council approved Centra Health Inc.'s CUP petition to operate an alternative education facility at 3024 Forest Hills Circle.
 - 2/11/1992: City Council approved Lynchburg City School Board's CUP petition to use an existing structure for temporary classrooms at 3024 Forest Hills Circle.
 - 10/10/1989: City Council approved William Riley's petition to rezone approximately one (1) acre at 2728 Old Forest Road from B-1, Limited Business District, to B-3c, Community Business District (conditional), to allow construction of a retail space with parking area and a petition to rezone approximately nine-tenths (0.9) of an acre at the rear of 2728 Old Forest Road from R-2, Low-Medium Density Single Family Residential District, to B-1c, Limited Business District (conditional), to allow construction of an office building/parking area.
 - 11/8/1988: City Council approved L.G. Flint, Inc.'s CUP petition to construct a residential care center at 3012-3020 Forest Hills Circle.
 - 10/26/1988: Petitioner William Bryant withdrew his petition to create a Community Recreation Center at 3300 Old Forest Road prior to the City Council hearing.
 - 11/12/1985: City Council approved Lynchburg Investment Company Inc.'s petition to rezone approximately six tenths (.6) of an acre from R-3, Medium Density Two-Family Residential District to B-5c, General Business District (conditional) and their CUP petition to construct a television studio with a transmission tower at 2820 Linkhome Drive.
5. **Site Description.** The subject property includes one (1) existing residential structure. The site is bounded to the north by commercial businesses, to the east by an institutional uses (Old Forest Road United Methodist Church), to the south by vacant forested land and residential neighborhoods and to the west by commercial offices.
6. **Proposed Use of Property.** The purpose of this rezoning and conditional use permit is to allow construction of animal medical facility. The petition proposes the demolition of an existing residence and the construction of a new single-story, (6,900) square foot office building, an outdoor animal exercise area and associated parking; no outside kennels will be located on this property. The facility will be constructed with wood siding, possible stone accents, and asphalt shingles. Colors will be similar to the attached photos and typical elevations.

The petitioner proposes to preserve the three large cedar trees adjacent to West Street and plant new shade trees along the perimeter of the property adjacent to Old Forest Road. In addition, the petitioner will add shade trees within the parking area and along the perimeter of the property; foundation plantings will be planted around the perimeter of the new building that is within view of both West Street and Old Forest Road. An evergreen buffer will be planted along the rear of the site, adjacent to the exiting wooded area and offices.

7. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set based on offices for business, banking, professional and similar uses as defined by Chapter 35.1-25 of the City's Zoning Ordinance. This use requires one (1) parking space per three hundred (300) square feet of floor area, exclusive of utility area. Although the building will total approximately six thousand, nine hundred (6,900) square feet, the total footprint of the building exclusive of utility area is five thousand, seven hundred (5,700) square feet and will require nineteen (19) parking spaces. The site plan indicates that twenty-three (23) parking spaces will be provided for the development, thus meeting the requirement of City Code.

8. **Stormwater Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. Topographically, the site slopes from its highest point at the intersection of Old Forest Road and West Street to the lowest point in the southwest corner of the lot. Therefore, most of the runoff from this site flows from the northeast to the southwest. It is assumed that when the building is constructed, approximately one-half (1/2) of the site will drain toward Old Forest Road. The storm water quantity for this part of the site will be managed by an underground pipe storage system. The pipe system would be sized to detain runoff from proposed parking area and access aisle on the front half of the site as well as part of the building. It is likely that detention won't be required in the rear part of the property due to the reduction in the drainage area in the post-developed condition. However, if storage is required in the back of the facility, it can be handled using the proposed bio-filter. Provided the site can be graded as such, there would be a net reduction in the drainage area to the natural drainage way. Preliminary engineering analysis shows the natural drainage way is an adequate receiving channel.

The stormwater runoff for the site will be treated for quality using an above ground BMP measure. A bio-filter infiltration area will be used to treat storm water runoff behind the new veterinary facility. Vegetated swales will be used to convey runoff to the bio-filter.

9. **Emergency Services.** The City's Fire Marshal had no comments on the Rezoning or the Conditional Use Permit applications for the proposed development.

The City Police Department had no comments on the proposed development.

10. **Impact.** The proposed animal medical facility will have minimal impact on the surrounding area. The design and layout of the buildings are acceptable to the Planning Division. Although an outdoor animal exercise area is proposed for this project, this will only be used during normal business hours of the animal hospital. The proposed recreation area will be enclosed by a six (6) foot tall, wooden privacy fence which will screen the area from view on all sides. The Planning Division recommends that a four (4) foot tall evergreen buffer be planted on the eastern side of the privacy fence to provide an additional noise buffer for the adjacent church property.

No outside kennels will be located on this property. Trash removal for the facility will be through trash carts and an off-site provider will remove and process deceased animals. All lighting will be controlled so that no direct illumination will occur beyond any property line.

The City's Traffic Engineer had no comments of concern on the proposed development and parking requirements will exceed those required by City Code. The City's Fire Marshal and Police Department had no comments on the Rezoning or the Conditional Use Permit applications.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. Stormwater quantity and quality for this site will be managed by an underground pipe storage system, vegetative swales and a bio-filter infiltration area. Preliminary engineering analysis shows the natural drainage way is an adequate receiving channel. The proposed design is acceptable to the City's Environmental Planner.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 21, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

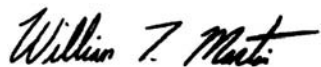
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Rick Krason's petition to rezone seven tenths (0.7) of an acre at 2901 Old Forest Road from B-1, Limited Business District, to B-3, Community Business District.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Rick Krason's petition for a Conditional Use Permit (CUP) at 2901 Old Forest Road to allow construction of the Animal Hospital of Lynchburg, subject to the following conditions:

1. The property will be developed in substantial compliance with the Rezoning and Conditional Use Permit Plan for Animal Hospital of Lynchburg, received by Community Planning & Development on March 31, 2006.
2. A four (4) foot tall landscape buffer will be planted on the eastern side of the privacy fence for the outdoor recreational area.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner

Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. P. Scott Beasley, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Project Narrative**
(see attached narrative)
- 5. Building Elevations**
(see attached rendering/photo)